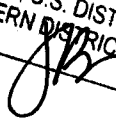


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

**FILED**  
JUL 12 2018  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

UNITED STATES OF AMERICA

vs.

(3) GARY DEASHAN HILL

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NO: WA:18-CR-00054(3)-RP

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

The Magistrate Court submits this Report and Recommendation to the District Court pursuant to 28 U.S.C. § 636(b)(3). The District Court referred this case to the United States Magistrate Judge for the taking of the defendant's felony guilty plea and for his allocution pursuant to Federal Rule of Criminal Procedure 11.

On July 12, 2018, the defendant and counsel appeared before the Magistrate Court. The undersigned addressed the defendant personally in open court, informed him of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure, and determined that he understood those admonishments. The defendant entered a plea of guilty to the one count Indictment against him charging him with: Conspiracy to Possess With Intent to Distribute and Distribution of Heroin, a Schedule I Controlled Substance in violation of 21 U.S.C. § 846 {21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)}.

**FINDINGS**

The Magistrate Judge finds the following:

1. The defendant, with the advice of his attorney, consented to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The defendant fully understands the nature of the charges against him and possible penalties;
3. The defendant understands his constitutional and statutory rights, including the right to a jury trial, understands his constitutional and statutory rights can be waived, and understands the meaning and effect of waiving these rights;
4. The defendant is satisfied with his attorney and has no complaints regarding his representation;
5. The defendant's plea was made freely and voluntarily;
6. The defendant is competent to enter this guilty plea; and
7. There is a factual basis for this plea.

#### **RECOMMENDATION**

The Magistrate Court **RECOMMENDS** the District Court accept the guilty plea and, after reviewing the presentence investigation report, enter a Final Judgment of guilt against the defendant.

#### **WARNING**

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. See *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained within this Report within fourteen (14) days after being served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations and, except upon grounds of plain error, shall bar the party from appellate review of proposed factual findings and legal conclusions accepted by the District Court to which no objections were filed. See 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53, 106 S. Ct. 466, 472-74 (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED this 12th day of July, 2018.



JEFFREY C. MANSKE  
UNITED STATES MAGISTRATE JUDGE